

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 APR 28 PM 12:11

UNITED STATES OF AMERICA,

Plaintiff,

v.

) Magistrate Docket No.

) '08 MJ 1310

) COMPLAINT FOR VIOLATION OF: *KWH*

) Title 8, U.S.C., Section 1326

) Deported Alien Found in the
) United States

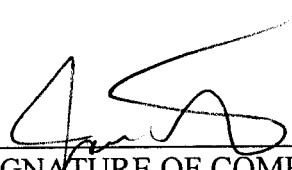
Jesus Ernesto REYNA,

Defendant

The undersigned complainant, being duly sworn, states:

On or about **April 27, 2008** within the Southern District of California, defendant, **Jesus Ernesto REYNA**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **April, 2008**.


Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jesus Ernesto REYNA****PROBABLE CAUSE STATEMENT**

On April 27, 2008 at approximately 6:10 a. m., Border Patrol Agent D. Avelar was assigned line watch duties in the Chula Vista Area of Responsibility. At approximately 6:10 a.m. he was alerted by Border Patrol Agent S. Rocha, via DHS service radio that he had a report from the security guard at the Pio Pico RV Park regarding a group individuals walking westbound in a creek bed near an area commonly known as "1000 Trails." This area is approximately five miles east of the Otay Mesa, California Port of Entry and approximately four miles north of the United States/Mexico international boundary.

After arriving in the area, Agent Avelar conducted a brief search and encountered a group of fourteen individuals. He identified himself as a United States Border Patrol Agent and questioned the individuals as to their citizenship and nationality. All subjects admitted to being citizens and nationals of Mexico including one later identified as the defendant **Jesus Ernesto REYNA**. All fourteen individuals also stated that they had no immigration documents that would allow them to be or remain in the United States legally. All fourteen were placed under arrest and had them transported to the Chula Vista Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **April 17, 2008** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.